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TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART III - TRAINING AND EDUCATION

CHAPTER 104 - UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

-HEAD-

Sec. 2113. Administration of University

-STATUTE-

(a) The business of the University shall be conducted by the Secretary of Defense with funds appropriated for and provided by the Department of Defense. To assist the Secretary in an advisory capacity, there is a Board of Regents for the University. The Board shall consist of -

(1) nine persons outstanding in the fields of health and health education who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate;

(2) the Secretary of Defense, or his designee, who shall be an ex officio member;

(3) the surgeons general of the uniformed services, who shall be ex officio members; and

(4) the person referred to in subsection (d).

(b) The term of office of each member of the Board (other than ex officio members) shall be six years except that -

(1) any member appointed to fill a vacancy occurring before the

expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term;

(2) the terms of office of the members first taking office shall expire, as designated by the President at the time of the appointment, three at the end of two years, three at the end of four years, and three at the end of six years; and

(3) any member whose term of office has expired shall continue to serve until his successor is appointed.

(c) One of the members of the Board (other than an ex officio member) shall be designated by the President as Chairman. He shall be the presiding officer of the Board.

(d) The Secretary shall appoint a Dean of the University (hereinafter in this chapter referred to as the "Dean") who shall also serve as a nonvoting ex officio member of the Board.

(e) Members of the Board (other than ex officio members) while attending conferences or meetings or while otherwise performing their duties as members shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not exceeding \$100 per diem and shall also be entitled to receive an allowance for necessary travel expenses while so serving away from their place of residence.

(f)(1) The Secretary, after considering the recommendations of the Dean, shall obtain the services of such military and civilian professors, instructors, and administrative and other employees as may be necessary to operate the University. Civilian members of the faculty and staff shall be employed under salary schedules and granted retirement and other related benefits prescribed by the Secretary so as to place the employees of the University on a comparable basis with the employees of fully accredited schools of

the health professions within the vicinity of the District of Columbia.

(2) The Secretary may confer academic titles, as appropriate, upon military and civilian members of the faculty.

(3) The military members of the faculty shall include a professor of military, naval, or air science as the Secretary may determine.

(4) The limitations in section 5373 of title 5 do not apply to the authority of the Secretary under paragraph (1) to prescribe salary schedules and other related benefits.

(g) The Secretary may negotiate agreements with agencies of the Federal Government to utilize on a reimbursable basis appropriate existing Federal medical resources located in or near the District of Columbia. Under such agreements the facilities concerned will retain their identities and basic missions. The Secretary may negotiate affiliation agreements with an accredited university or universities in or near the District of Columbia. Such agreements may include provisions for payments for educational services provided students participating in Department of Defense educational programs. The Secretary may enter into an agreement under which the University would become part of a national university of health sciences should such an institution be established in the vicinity of the District of Columbia.

(h) The Secretary of Defense may establish the following educational programs at the University:

(1) Postdoctoral, postgraduate, and technological institutes.

(2) A graduate school of nursing.

(3) Other schools or programs that the Secretary determines necessary in order to operate the University in a cost-effective manner.

(i) The Secretary shall also establish programs in continuing

medical education for military members of the health professions to the end that high standards of health care may be maintained within the military medical services.

(j)(1) The Secretary also is authorized -

(A) to enter into contracts with, accept grants from, and make grants to the Henry M. Jackson Foundation for the Advancement of Military Medicine established under section 178 of this title, or any other nonprofit entity, for the purpose of carrying out cooperative enterprises in medical research, medical consultation, and medical education;

(B) to make available to the Henry M. Jackson Foundation for the Advancement of Military Medicine, on such terms and conditions as the Secretary determines appropriate, such space, facilities, equipment, and support services within the University as the Secretary considers necessary to accomplish cooperative enterprises undertaken by such Foundation and the University;

(C) to enter into contracts with the Henry M. Jackson Foundation for the Advancement of Military Medicine under which the Secretary may furnish the services of such professional, technical, or clerical personnel as may be necessary to fulfill cooperative enterprises undertaken by such foundation and the University;

(D) to accept, hold, administer, invest, and spend any gift, devise, or bequest of personal property made to the University, including any gift, devise, or bequest for the support of an academic chair, teaching, research, or demonstration project;

(E) to enter into agreements with the Henry M. Jackson Foundation for the Advancement of Military Medicine, or with any other nonprofit entity, under which scientists or other personnel of the Foundation or other entity may be utilized by the

University for the purpose of enhancing the activities of the University in education, research, and technological applications of knowledge; and

(F) to accept the voluntary services of guest scholars and other persons.

(2) The Secretary may not enter into any contract with the Henry M. Jackson Foundation for the Advancement of Military Medicine, or with any other entity, if the contract would obligate the University to make outlays in advance of the enactment of budget authority for such outlays.

(3) Scientists or other medical personnel utilized by the University under an agreement described in clause (E) of paragraph (1) may be appointed to any position within the University and may be permitted to perform such duties within the University as the Secretary may approve.

(4) A person who provides voluntary services under the authority of clause (F) of paragraph (1) shall be considered to be an employee of the Federal Government for the purposes of chapter 81 of title 5, relating to compensation for work-related injuries, and to be an employee of the Federal Government for the purposes of chapter 171 of title 28, relating to tort claims. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of such services.

-SOURCE-

(Added Pub. L. 92-426, Sec. 2(a), Sept. 21, 1972, 86 Stat. 714; amended Pub. L. 95-589, Nov. 4, 1978, 92 Stat. 2512; Pub. L. 96-513, title V, Sec. 511(64), Dec. 12, 1980, 94 Stat. 2926; Pub. L. 98-36, Sec. 3, May 27, 1983, 97 Stat. 201; Pub. L. 98-132, Sec. 2(b), Oct. 17, 1983, 97 Stat. 849; Pub. L. 99-661, div. A, title V,

Sec. 505, Nov. 14, 1986, 100 Stat. 3864; Pub. L. 101-189, div. A, title VII, Sec. 726(a), (b)(1), Nov. 29, 1989, 103 Stat. 1480; Pub. L. 101-510, div. A, title XIII, Sec. 1322(a)(3), Nov. 5, 1990, 104 Stat. 1671; Pub. L. 104-106, div. A, title X, Sec. 1072(a), (b)(2), (c)(1), Feb. 10, 1996, 110 Stat. 446; Pub. L. 106-65, div. A, title XI, Sec. 1108, Oct. 5, 1999, 113 Stat. 778; Pub. L. 106-398, Sec. 1 [[div. A], title X, Sec. 1087(a)(12)], Oct. 30, 2000, 114 Stat. 1654, 1654A-291.)

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AMENDMENTS

2000 - Subsec. (f). Pub. L. 106-398 designated penultimate sentence and last sentence of par. (1) as pars. (2) and (3), respectively, redesignated former par. (3) as (4), and struck out former par. (2) which read as follows: "The Secretary may exempt, at any time, a physician who is a member of the faculty from the restrictions in subsections (a), (b), and (c) of section 5532 of title 5, if the Secretary determines that such exemption is necessary to recruit or retain well-qualified physicians for the faculty of the University. An exemption granted under this paragraph shall terminate upon any break in employment with the University by a physician of three days or more. An exemption granted under this paragraph to a person shall apply to the retired pay of such person beginning with the first month after the month in which the exemption is granted. Not more than five exemptions may be in effect under this paragraph at any time."

1999 - Subsec. (f)(3). Pub. L. 106-65 added par. (3).

1996 - Pub. L. 104-106, Sec. 1072(c)(1), substituted "Administration of University" for "Board of Regents" as section catchline.

Subsec. (a). Pub. L. 104-106, Sec. 1072(b)(2)(A), substituted

"conducted by the Secretary of Defense" for "conducted by a Board of Regents (hereinafter in this chapter referred to as the 'Board'))" and inserted after first sentence "To assist the Secretary in an advisory capacity, there is a Board of Regents for the University."

Subsec. (d). Pub. L. 104-106, Sec. 1072(b)(2)(B), substituted "The Secretary shall appoint" for "The Board shall appoint".

Subsec. (e). Pub. L. 104-106, Sec. 1072(b)(2)(C), struck out "of Defense" after "Secretary".

Subsec. (f). Pub. L. 104-106, Sec. 1072(b)(2)(D), (F), in par. (1), substituted "Secretary, after" for "Board, after", "Secretary so" for "Secretary of Defense so", and "Secretary may" for "Board may" in two places, and in par. (2), substituted "Secretary" for "Board" in two places.

Subsec. (g). Pub. L. 104-106, Sec. 1072(b)(2)(E), substituted "Secretary may negotiate agreements" for "Board is authorized to negotiate agreements", "Secretary may negotiate affiliation" for "Board is also authorized to negotiate affiliation", and "Secretary may enter" for "Board may also, subject to the approval of the Secretary of Defense, enter".

Subsec. (h). Pub. L. 104-106, Sec. 1072(a), amended subsec. (h) generally. Prior to amendment, subsec. (h) read as follows: "The Board may establish postdoctoral, postgraduate, and technological institutes."

Subsecs. (i), (j). Pub. L. 104-106, Sec. 1072(b)(2)(F), substituted "Secretary" for "Board" wherever appearing.

1990 - Subsec. (j)(1). Pub. L. 101-510, Sec. 1322(a)(3)(A), struck out "subject to paragraph (2)," before "to make" in subpar. (B) and before "to enter" in subpars. (C) and (E).

Subsec. (j)(2) to (5). Pub. L. 101-510, Sec. 1322(a)(3)(B), (C),

redesignated pars. (3) to (5) as (2) to (4), respectively, and struck out former par. (2) which read as follows: "The authority of the Board under clauses (B), (C), and (E) of paragraph (1) may be exercised only if -

"(A) before the Board enters into any arrangement under which any space, facility, equipment, or support service is made available under clause (B) of such paragraph, before the Board enters into any contract under clause (C) of such paragraph, or before the Board enters into any agreement under clause (E) of such paragraph, it notifies the Committees on Armed Services of the Senate and the House of Representatives in writing of the proposed arrangement, contract, or agreement, as the case may be, the terms and conditions thereof, and, in the case of a proposed agreement under clause (E) of paragraph (1), any appointments proposed to be made under the authority of paragraph (4) in connection with the agreement, and

"(B) a period of fifteen days has elapsed following the date on which the notice is received by such committees."

1989 - Subsec. (f)(2). Pub. L. 101-189, Sec. 726(a), substituted "five exemptions" for "two exemptions".

Subsec. (j)(1)(A). Pub. L. 101-189, Sec. 726(b)(1), inserted ", accept grants from, and make grants to" after "contracts with" and substituted "or any other" for "or with any other".

1986 - Subsec. (f). Pub. L. 99-661 designated existing provisions as par. (1) and added par. (2).

1983 - Subsec. (j). Pub. L. 98-132 inserted "Henry M. Jackson" before "Foundation for the Advancement of Military Medicine" wherever appearing.

Pub. L. 98-36 added subsec. (j).

1980 - Subsecs. (a) and (d). Pub. L. 96-513 inserted "in this

chapter" after "hereinafter".

1978 - Subsec. (b)(3). Pub. L. 95-589 added par. (3).

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

-TRANS-

TRANSFER OF FUNCTIONS

Section 8091 of Pub. L. 101-511 provided that: "Notwithstanding any other provision of law, all authority of the Board of Regents of the Uniformed Services University of the Health Sciences is hereby transferred to the Secretary of Defense, and the Board hereafter shall be an advisory board to the Secretary of Defense."



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